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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yasushi Shigeta

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EXAMINER

GALKA, LAWRENCE STEFAN

ART UNIT

PAPER NUMBER

3717

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/542,073	SHIGETA, YASUSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	LAWRENCE GALKA	3717	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 36-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/30/10 1/14/11</u> .  | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### **Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/14/10 has been entered, wherein claims 36, 39, 40, 47 and 49 have been amended. Claims 36-49 are pending.

### **Double Patenting**

2. Claims 36-45 and 49 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4, 11 and 14 of copending Application No. 11/929749. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications claim a card reading system with two sensors that reads two rows of codes printed in UV-luminous ink off of playing cards. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented. Examiner notes that MPEP 804 (B) (1) does not apply to this application at this time. This double patenting rejection is not the only remaining rejection in this application. Examiner will withdraw this rejection when this condition occurs.

### **Claim Rejections - 35 USC § 103**

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 36-37, 39-44 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cuff et al. (pat. no. 4,534,562) in view of Daley (pat. no. 6,042,150).

Regarding claim 36, Cuff discloses a card reading system, comprising: a card housing for containing playing cards (Fig. 2, 12); at least one card detecting sensor for detecting the presence of a card being drawn from the card housing (card presence detector, Fig. 3, 38 and col. 5, lines 25-35); and at least one card reader for reading card information from a code printed on a surface of the card (photocells; Fig. 3, 34&36 and col. 5, lines 22-25), wherein the card reader reads the code by detecting at least two rows of code elements arranged along at least one side on the surface of a card in a card drawing direction, wherein each of the rows of code elements are stacked inwardly from an edge of the card toward a center of the card and spaced apart from each other (rows of code elements are along two sides of the card which is “at least one side”; Fig. 3 and col. 4, lines 26-35) and wherein the same code is provided along opposed sides of the surface of the card in the card drawing direction (the code is interpreted to be that expressed in the tables at col. 3, lines 50-60; this code is printed on both sides of the card, on one side zeros are indicated by the presence of a mark and on the other side ones are indicated by the presence of a mark, but both sides are displaying the same underlying number;

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see col. 4, lines 25-35 and col. 7, line 15 to col. 8, line 7). It is noted that Cuff does not disclose that the codes are printed in UV-luminous ink. Daley, however, teaches of a playing card security system where the code is viewable under UV light (col. 3, lines 61-63). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the Cuff invention to incorporate the UV visible code as taught by Daley. Adding a UV visible code of Daley would make the codes invisible to the players thereby making any security system less intrusive.

6. Regarding claim 37, Cuff discloses the card reader reads a code that corresponds to at least one of a rank and a suit of the card (col. 3, lines 37-45).

7. Regarding claim 39, Cuff discloses the card reader comprises at least two sensors for reading the code on the card (photocells; Fig. 3, 34&36 and col. 7, lines 16-55).

8. Regarding claim 40, Cuff discloses a first sensor reads a first row of code elements of the code and a second sensor reads a second row of code elements of the code (photocells; Fig. 3, 34&36 and col. 7, lines 16-55).

9. Regarding claim 41, Cuff discloses a card guide for guiding a card through a path where the card reader reads information from the card (Fig. 2, 30 and col. 4, line 66 to col. 5, line 2).

10. Regarding claim 42, Cuff discloses the card guide and the card reader are arranged such that the code on the card passes through the card reader when the card is slid with a side of the card being in contact with the card guide (col. 7, lines 9-15).

11. Regarding claim 43, Cuff discloses a processor for determining the identity of the card based on the card information (col. 6, lines 6-9); and a computer-readable storage medium for storing card information that is read by the card reader (col. 6, lines 10-14).

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12. Regarding claim 44, Cuff discloses the processor controls the card reader to read the code when the at least one card detecting sensor detects the presence of a card (col. 7, lines 9-15).

13. Regarding claim 46, Cuff discloses the processor determines whether a card has passed through the card reader in a proper attitude based on signals from the at least one card detecting sensor indicating the presence or non-existence of a card (processor determines card direction after triggered by presence detector to start reading; see col. 7, lines 9-55; additionally a misread can be determined from error codes; see col. 3, line 64 to col. 4, line 25 and col. 8, lines 20-25).

14. Regarding claim 47, Cuff discloses the processor outputs a result of whether the card passed through the card reader in a proper attitude (processor outputs whether card is moving in A or B direction. See col. 7, lines 30-38 and Fig. 11f & 11g; additionally processor alerts on a misread; see col. 8, lines 20-25).

15. Regarding claim 48, Cuff discloses the processor outputs a result of the card information that is read by the card reader (processor constructs binary word encoding suit and rank information; see col.7, lines 51-55).

1. Claims 36, 38, 43, 45 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCrea, Jr. (pat. no. 6,093,103) in view of Daley (pat. no. 6,042,150) and Cuff et al. (pat. no. 4,534,562).

16. Regarding claim 36, McCrea, Jr. discloses A card reading system, comprising: a card housing for containing playing cards; at least one card detecting sensor for detecting the presence of a card being drawn from the card housing (fig. 4, 400); and at least one card reader

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for reading card information from a code printed on a surface of the card (shoe with card reader; see Fig. 12 and col. 6, lines 43-46). It is noted that McCrea, Jr. does not disclose that the codes are printed in UV-luminous ink or two rows of code elements along at least one side and where the same code is provided along opposed sides of the card. Daley, however, teaches of a playing card security system where the code is viewable under UV light (col. 3, lines 61-63).

Furthermore, Cuff teaches reading two rows of code elements along at least one side (rows of code elements are along two sides of the card which is “at least one side”; see Fig. 3 and col. 4, lines 26-35) and where the same code is provided along opposed sides of the card (the code is interpreted to be that expressed in the tables at col. 3, lines 50-60; this code is printed on both sides of the card, on one side zeros are indicated by the presence of a mark and on the other side ones are indicated by the presence of a mark, but both sides are displaying the same underlying number; see col. 4, lines 25-35 and col. 7, line 15 to col. 8, line 7). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the McCrea, Jr. invention to use the dealing shoe of Cuff and the UV visible code as taught by Daley. The Cuff shoe would allow the use of cheap light sensors in place of a camera and adding a UV visible code of Daley would make the codes invisible to the players thereby making any security system less intrusive.

17. Regarding claim 38, McCrea, Jr. discloses the card reader reads a code that corresponds to a group to which the card belongs (common identity code; see col. 2, lines 65-67).

18. Regarding claim 43, McCrea, Jr. discloses a processor for determining the identity of the card based on the card information; and a computer-readable storage medium for storing card information that is read by the card reader (gaming control; see col. 6, lines 55-58).

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19. Regarding claim 45, McCrea, Jr. discloses the at least one card detecting sensor includes first and second card detecting sensors spaced apart in the card drawing direction (Fig. 4, 400 and col. 7, lines 42-53).

20. Regarding claim 49, McCrea, Jr. discloses the processor outputs a result indicating whether fraud has been committed (alarm signal; see col. 7, lines 17-20).

### **Response to Arguments**

2. Applicant's arguments filed on October 14, 2010 have been fully considered but they are not entirely persuasive.

3. The objection to claims 47 and 48 is withdrawn based upon the current amendments to those claims.

4. The rejection to claims 39 and 40 based on 35 U.S.C. §112 have been withdrawn based on the current amendments to those claims.

21. On pages 6-10, Applicant argues that amended claim 36 is patentable because Cuff does not show the same code is provided along opposed sides or two rows of code on each side of the card. Examiner respectfully disagrees. First Cuff does show the same code is provided upon opposite sides. The code is interpreted to be that expressed in the tables at col. 3, lines 50-60. This code is printed on both sides of the card, on one side zeros are indicated by the presence of a mark and on the other side ones are indicated by the presence of a mark, but both sides are displaying the same underlying number(see col. 4, lines 25-35 and col. 7, line 15 to col. 8, line 7). Finally, applicant does not claim two rows of code on each side of the card. Applicant claims at least two rows of code elements arranged along at least one side. Cuff shows two



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rows of code arranged along two sides which are "at least one side". There is no element that the at least one side must be the same side.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE GALKA whose telephone number is (571) 270-1386. The examiner can normally be reached on M-Th 7:30-5, every other F 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner can be reached on (571) 272 4709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melba Bumgarner/  
Supervisory Patent Examiner, Art Unit 3717

LSG 1/15/11